

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 09/403,071
Applicant: T. Nishimura et al.
Filed: January 13, 2000
Title: DIGITAL AV DATA TRANSMITTING UNIT, DIGITAL AV DATA
RECEIVING UNIT, DIGITAL AV DATA TRANSMITTING/RECEIVING
UNIT, AND MEDIUM
TC/A.U.: 2134
Examiner: T. Tran
Confirmation No: 6807
Docket No.: MTS-V03176
Issue Fee Paid: December 30, 2004
Issue Date: Not Assigned/Posted

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SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a and PTO/SB/08b forms submitted herewith. A copy of the references listed on the PTO/SB/08a and PTO/SB/08b forms is enclosed.

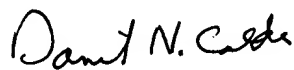
Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

Reference JP 8-297638 is not in the English language, but was cited by a foreign patent office in a counterpart foreign application and an English language Abstract is attached thereof. A copy of this search report, indicating the degree of relevance determined by the foreign patent office is submitted herewith.

This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 CFR 1.114.

Respectfully submitted,



Daniel N. Calder, Reg. No. 27,424
Attorney for Applicants

DNC/dlm
Enclosures: PTO/SB/08a and PTO/SB/08b)
(1) Reference
Office Action

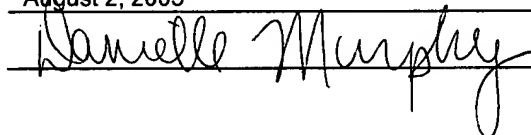
Dated: August 2, 2005

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 2, 2005



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Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

SHEET 1 of 2

Complete if Known

Application Number	09/403,071
Filing Date	January 13, 2000
First Named Inventor	T. Tran
Art Unit	2134
Examiner Name	T. Tran
Attorney Docket No.	MTS-V03176

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

¹Applicant's unique citation designation number (optional).

²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for Form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)***Complete if Known**

Application Number	09/403,071
Filing Date	January 13, 2000
First Named Inventor	T. Tran
Art Unit	2134
Examiner Name	T. Tran
Attorney Docket No.	MTS-V03176

SHEET 2 of 2**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
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The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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Generaldirektion 2

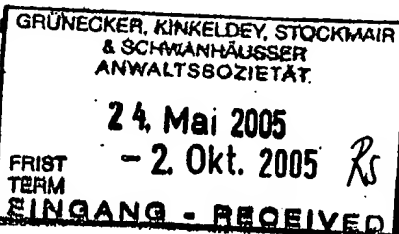
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Application No. 99 902 852.5 - 2223	Ref. EP17683-035/do	Date 23.05.2005
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Cakiroglu, S
Primary Examiner
for the Examining Division

Enclosure(s): 5 page/s reasons (Form 2906)
JP8297638



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
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Date

23.05.2005

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1

Anmelde-Nr.:
Application No.: 99 902 852.5
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1-87 as originally filed

Claims, Numbers

1-43 as originally filed

Drawings, Sheets

1/15-15/15 as originally filed

1. The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: JP 8 214 090 A

→ D2: JP 8 297 638 "User Authentication System", Nippon Telegr. & Telephn. Corp., 12-11-1996

D2 is cited by the examiner (see the Guidelines, C-VI, 8.7). A copy of the document is annexed to the communication.

2. The application does not meet the requirements of Article 84 EPC, because claims 1-43 are not clear.
- 2.1. The claims are neither clear nor concise. The number of independent claims and the disparity between their respective subject-matter makes it impossible to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, since claims 1, 4, 7, 10, 13, 17, 20, 25, 28 and 31 relate to a digital AV data transmitting unit; claims 2, 8, 18, 21, 26, 29 and 32 relate to a receiving unit; claims 3, 9, 14, 19, 22, 27, 30, and 33 relate to a transceiving system; claims 23 and 24 relate to a transmitting method, and differ only in details of wording.



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

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Anmelde-Nr.:
Application No.: 99 902 852.5
Demande n°:

The applicants are requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.

- 2.2. The term "data significance deciding" used in claims is vague and unclear because how or according to which criterion the significance degree of the data is decided is missing.
- 2.3. The expression "control criterion" used in independent claims 4 and 10 is very broad and it cannot be determined what is meant by it. The additional feature of dependent claim 11 (explaining it to be a reference list identifying legal or illegal receiving units) should be included in the independent claims.
3. Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claims 1-19, and 25-42 does not involve an inventive step in the sense of Article 56 EPC, and therefore the requirements of Article 52(1) EPC are not met.
 - 3.1. The subject-matter of independent claim 7 lacks an inventive step because the prior art document D2 discloses a digital data transmitting unit providing user authentication at different security levels by adapting the encryption and key management required for authentication according to each user or terminal (receiver) unit (claims 1, 2; abs.; par. 13-18). The transmitting unit disclosed therein also comprises storing means (16) storing plurality of types authentication rules (security levels that define which encryption and key management system to be used) (par. 19-20); receiving means (12) receiving user information (which determines the authentication rule to be used) (par. 26); rule fetching means (17,18) that in accordance with the received information fetches the authentication rules from the storing means (according to the user information security level is determined and the respective encryption and keys management tools are selected) (par. 28-30); and authentication means (encryption and key management means) (14, 15) (par. 27, 28).

The difference of the claimed subject-matter over the disclosure of D2 is that the rule



Bescheld/Protokoll (Anlage)

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Annahme-Nr.:
Application No.: 99 902 852.5
Demande n°:

information received is the rule information owned by the data receiving unit. On the other hand the transmitter disclosed in D2 receives user / terminal unit information according to which a corresponding authentication rule is used. However, these two transmitters have the same technical effect, ie, authentication rule is selected according to properties owned by the user or the receiving unit. Thus claim 7 is not found to involve an inventive step over the disclosure of D2.

Therefore claim 7, and the corresponding receiving unit and transceiving system claims 8 and 9 are not allowable under Article 52 EPC.

- 3.2. The difference of the subject-matter of independent claim 1, in so far as presently understood, over the disclosure of the closest prior art document D2 is that the data transmitting unit comprises a data significance deciding means and the authentication rule selection is made based on the decision result of the data significance deciding means. The objective technical problem solved by the distinguishing feature of the invention could therefore be stated as how to provide a transmitting unit that allows a more efficient adaptation of the authentication according to the data to be sent.

However, it is a well-known fact that different kinds of data require different security levels. There has been a common practice to define the importance of data and use a security means that is appropriate for the degree of the data importance. For example D1 discloses a transmitter that performs different encryption programs encrypting digital data according to the data significance (access level of the real data) (claim 3; par. 6, 8-10, 23). The transmitting unit determines the significance degree (access level) of the data and the encryption program and the decryption program to be used are selected according to that degree (par. 14, 21, 23, 34).

As a consequence, the person skilled in the art faced with the technical problem in D2, would select D1 to combine with the transmitting device described in D2 to eliminate the said drawback without having resort to an inventive activity. Thus the subject-matter of independent claim 1 lacks an inventive step in the sense of Article 56 EPC over the combined teachings of D1 and D2. Therefore claim 1 and the corresponding receiving unit and transceiver claims 2 and 3 are not allowable under



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

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Anmelde-Nr.:
Application No.: 99 902 852.5
Demande n°:

Article 52 EPC.

- 3.3. Similarly, the subject-matter of independent claims 25-30 does not involve an inventive step over the combined teachings of D1 and D2 since the place of the data significance means (either at the transmitting unit or at the receiving unit) is found to be a mere design matter.
- 3.4. The difference of subject-matter of independent claims 4, 10, 31-33, in so far as presently understood, over the prior art is that it is decided whether to use a control criterion (which may be provided from an external control center) for a receiving unit, to decide whether to perform authentication. However, also D1 proposes having a central control unit that provides the transmitting unit (program distribution equipment) with the identification information of the receiving unit (karaoke equipment) (par. 41). If this receiving unit is registered (stored) in the transmitting unit the normal transmission of encrypted data and also the transmission of the related decryption information takes place (par. 42). Deciding to use such a control if the data has a high significance degree is found to be an obvious design option the skilled person would implement.
- 3.5. The subject-matter of independent claims 17-19, in so far as presently understood, lacks an inventive step over the combined teachings of D1 and D2 in sense of Article 56 EPC. It is known from the disclosure of D1 that data is encrypted at various (access) levels (claim 3; par. 54, 60). These levels are determined according to the significance of data (the access level is part of the identification information of the data, see par. 21). D2 teaches to select between authentications at different security levels suitable for the request of the user / terminal unit (abs.).
4. The difference of the independent claims 20-24, in so far as presently understood, over the combined teachings of D1 and D2 is that the redundant authentication is avoided by sending decoding information having a security level lower than the once authenticated level without repeating the authentication. This feature is not disclosed by the prior art documents. If the applicants intend to file an amended set of claims complying with Rule 29(2) overcoming the above raised inventive step argumentations, they are requested to take into account the following remarks:



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

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Date
Date

23.05.2005

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Anmelde-Nr.:
Application No.: 99 902 852.5
Demande n°:

- 4.1. To meet the requirements of Rule 27(1)(b) EPC, the document D1 and D2 should be identified in the description and its relevant contents should be indicated.
- 4.2. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).
- 4.3. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.
- If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.
- 4.4. The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).